

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kevin O'Connor (Int)	Team: Team # 2	CCRB Case #: 201401311	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/05/2014 5:35 PM	Location of Incident: Lenox Road & East 52nd Street	Precinct: 67	18 Mo. SOL 8/5/2015	EO SOL 8/5/2015	
Date/Time CV Reported Wed, 02/05/2014 10:18 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/10/2014 1:21 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM William Pugliese	12760	953278	067 PCT
2. Officers			
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Tomasz Roginski	3512	955405	PBBS
2. POM Robert Bianco	02904	950079	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer struck § 87(2)(b) with a gun.	
B. POM William Pugliese	Force: PO William Pugliese used physical force against § 87(2)(b)	
C. Officers	Force: Officers used physical force against § 87(2)(b)	
D. Officers	Force: Officers pointed their guns at § 87(2)(b)	
E. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	
F. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	

### Case Summary

On February 5, 2014, Sgt. David Zayas of the 67<sup>th</sup> Precinct called the Internal Affairs Bureau and filed a complaint on behalf of § 87(2)(b) (IAB log #14-4563) (encl. 4A-I). The complaint was received at the CCRB on February 10, 2014 (encl. 5A-B).

On February 5, 2014, at approximately 5:35 p.m., PO William Pugliese, who was operating a marked patrol van, attempted to pull § 87(2)(b) vehicle over at the intersection of Church Avenue and Nostrand Avenue in Brooklyn. After a pursuit which lasted approximately one mile, § 87(2)(b) vehicle was stopped at the intersection of Lenox Road and East 52<sup>nd</sup> Street in Brooklyn. The following allegations resulted:

- **Allegation A- Force: An officer struck § 87(2)(b) with a gun.**
- **Allegation C- Force: Officers used physical force against § 87(2)(b)**
- **Allegation E- Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.**
- **Allegation F- Discourtesy: Officers spoke discourteously to § 87(2)(b)**  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)
- **Allegation B- Force: PO William Pugliese used physical force against § 87(2)(b)**  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)
- **Allegation D- Force: Officers pointed their guns at § 87(2)(b)**  
§ 87(2)(g)  
§ 87(2)(g)

This case was not eligible for mediation.

### Results of Investigation

#### **Victim:** § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) old at the time of the incident. He is a black man, 5'7" tall, 190 pounds, with black hair and brown eyes.
- § 87(2)(b)

#### **Arrest Photo (Encl. 8)**

§ 87(2)(b) arrest photo shows a large bandage on the rear left side of § 87(2)(b) head and a swollen shut right eye.

#### **Statements to Medical Personnel**

§ 87(2)(b) was treated in the emergency room at § 87(2)(b) on § 87(2)(b). His chief complaint was a headache and he stated that he was assaulted by police officers.

### Civilian Statement

§ 87(2)(b) was interviewed at the CCRB on March 25, 2014 (encl. 7A-J).

On February 5, 2014, at approximately 5:35 p.m., § 87(2)(b) left his friend § 87(2)(b) (last name unknown) home, located at an unknown intersection in Brooklyn, with one of § 87(2)(b) female friends, identified via investigation as § 87(2)(b) § 87(2)(b) who is not a licensed taxicab driver, was not using his vehicle, a blue 2003 Crown Victoria, as a taxicab during the time of incident. § 87(2)(b) did not pay § 87(2)(b) for the ride.

§ 87(2)(b) was traveling eastbound along Lenox Road and was not driving at a high rate of speed. Approximately two or three minutes later, at the intersection of Lenox Road and Clarkson Street, § 87(2)(b) noticed a marked patrol van with its sirens on, approximately five or six car lengths behind him. The five or six vehicles between § 87(2)(b) vehicle and the patrol van all pulled over to their right and allowed the patrol van to pass. § 87(2)(b) did not pull over because he did not think he was being pulled over. No instructions were given to him to pull over through the loudspeaker system. § 87(2)(b) did not attempt to strike any officers with his vehicle or come close to making physical contact with any officer.

After continuing to drive for a distance that § 87(2)(b) could not estimate, the patrol van crashed into the back of § 87(2)(b) vehicle. § 87(2)(b) had only been driving 15 miles per hour as the officers' vehicle was behind him and was not involved in a pursuit. § 87(2)(b) remained calm and did not exit the vehicle while it was in motion. § 87(2)(b) airbags did not deploy and he sustained back pain as a result of his vehicle being struck. After his vehicle was struck by the patrol van, he began to slow down. Before his vehicle was able to come to a complete stop, PO1, described as a white or Hispanic man in plainclothes, approximately 5'5" or 5'6" tall, with a stocky build, short brown hair and wearing a beige sweater, opened § 87(2)(b) driver's side door and struck him in the back of his head with a gun. § 87(2)(b) did not recall how many times he was struck with the gun.

PO1 then pointed his gun at § 87(2)(b) face and chest as uniformed and plainclothes officers opened the rear driver's side door. Multiple officers, who § 87(2)(b) could not describe, proceeded to punch § 87(2)(b) more than 10 times in the face, chest, back and the back of his head. § 87(2)(b) moved his hands around in an effort to block the officers' punches. No officers issued any commands to § 87(2)(b) during this time. § 87(2)(b) did not recall if § 87(2)(b) was removed from the vehicle by officers and did not see where she went. § 87(2)(b) did not see if § 87(2)(b) sustained any injuries and did not recall seeing her again once he was stopped. § 87(2)(b) saw that guns were pointed at his face and chest but did not see which officers were holding the guns as it was dark outside.

§ 87(2)(b) was then pulled out of his vehicle and slammed into a parked vehicle by an unknown officer. § 87(2)(b) chest and face made contact with the parked vehicle. An officer told § 87(2)(b) "You run from us, we'll kill you." Officers also said the word "fuck" to § 87(2)(b) but he did not recall any specific statements. § 87(2)(b) was handcuffed without incident as he complied with the officers' request to place his hands behind his back. § 87(2)(b) did not resist arrest or move his body around as he was being handcuffed. § 87(2)(b) noticed that more than eight marked patrol vehicles had responded to the scene and saw a crowd of people around the area watching the incident.

§ 87(2)(b) was placed in a patrol van and transported to the 67<sup>th</sup> Precinct Stationhouse by two uniformed officers, described as Hispanic or Indian men, approximately 5'6" or 5'7" tall, with black hair.

An ambulance was called from the stationhouse and upon EMS' arrival, § 87(2)(b) head wound was dressed and he was given two ice packs for his eyes, which had swelled up and were black and blue. § 87(2)(b) was taken to Brooklyn Central Booking and released on § 87(2)(b)

§ 87(2)(b) The same day, § 87(2)(b) sought medical treatment at § 87(2)(b). § 87(2)(b) did not recall being diagnosed with any specific injuries but recalled receiving pain medication and eye drops. As a result of this incident, § 87(2)(b) sustained a laceration to his head and two black eyes, pain to his back and numbness in his right thumb.

### **Attempts to Contact Civilians**

§ 87(2)(b) who was present inside § 87(2)(b) vehicle during the incident, was not cooperative with providing a statement (See enclosures 24C-D for contact attempts made to her).

### **NYPD Statements:**

#### **Subject Officer: POLICE OFFICER WILLIAM PUGLIESE**

- *PO Pugliese was § 87(2)(b) old at the time of the incident. He is a white man, 5'7" tall, 185 pounds, with brown hair and blue eyes.*
- *PO Pugliese worked from 3 p.m. until 11:35 p.m. on February 5, 2014. He was assigned to a fixed post and worked with PO Robert Bianco. They were assigned to marked patrol van number 8459 and were in uniform.*

#### **Memo Book (Encl. 9A-C)**

PO Pugliese's memo book entries pertaining to this incident were consistent with his statement.

#### **CCRB Testimony (Encl. 10A-D)**

PO Pugliese was interviewed at the CCRB on September 10, 2014.

On February 5, 2014, at approximately 5:40 p.m., PO Pugliese observed § 87(2)(b) vehicle stopped at the intersection of Church Avenue and Nostrand Avenue in Brooklyn. PO Daniel Rivas of the 67<sup>th</sup> Precinct was near the vehicle. PO Pugliese, who was 20 to 30 feet away from § 87(2)(b) vehicle, could not tell if PO Rivas was conducting a car stop of § 87(2)(b) vehicle. § 87(2)(b) drove off and nearly struck PO Rivas, who had to jump out of the way to avoid being struck. PO Pugliese turned on his lights and sirens and pursued § 87(2)(b). § 87(2)(b) was driving at a high rate of speed, ran through red lights, disobeyed pavement markings and failed to yield to pedestrians. PO Pugliese was unable to tell § 87(2)(b) to pull over through the loudspeaker system of the van because it had not been working.

After driving for approximately 15 blocks, one of three females in the back of § 87(2)(b) vehicle jumped out of the vehicle and injured her back. § 87(2)(b) stopped the vehicle at a red light behind another vehicle and PO Pugliese pulled up behind him. PO Pugliese approached the driver's side and one of the two remaining females opened the rear driver's side door. PO Pugliese yelled at § 87(2)(b) to show his hands and get out of the vehicle, and § 87(2)(b) said something in response that PO Pugliese could not recall. Once the light turned green, the vehicle in front of § 87(2)(b) made a left turn and § 87(2)(b) started to drive. PO Pugliese grabbed onto the rear driver's side door and was dragged on the ground approximately 20 feet as § 87(2)(b) vehicle made a right turn. One of the two remaining women told § 87(2)(b) to stop the car but he continued to drive. PO Pugliese suffered "road rash" as a result of being dragged. PO Pugliese did not document this injury and did not go Line of Duty as a result.

Once § 87(2)(b) made the right turn, another marked patrol vehicle drove down Lenox Road and blocked him in at the intersection of East 52nd Street and Lenox Road. PO Pugliese's patrol van did not come in contact with § 87(2)(b) vehicle and neither did the patrol vehicle that blocked him in. PO Pugliese rose to his feet and removed his gun from its holster and pointed it at § 87(2)(b) vehicle as he approached. PO Pugliese was in fear for his safety as § 87(2)(b) had fled and was refusing to show his hands.

PO Pugliese ordered § 87(2)(b) to show his hands and step out of the vehicle and § 87(2)(b) was not compliant. PO Pugliese reholstered his gun and approached the driver's side door. PO Pugliese attempted to pull § 87(2)(b) out of the vehicle by his arms and § 87(2)(b) resisted by shoving PO Pugliese and pulling away from him. Two other officers, who PO Pugliese could not recall, assisted in removing § 87(2)(b) from the vehicle. § 87(2)(b) continued to resist and PO Pugliese struck him once in the head with his palm extended forward. PO Pugliese did not recall if he struck § 87(2)(b) in the eye or where on his head he struck him. PO Pugliese did not strike § 87(2)(b) in the head with his gun or any object and did not observe any officer do so.

Once § 87(2)(b) was out of the vehicle, he refused to place his hands behind his back. PO Pugliese and the other officers grabbed § 87(2)(b) arms and placed them behind his back in response to § 87(2)(b) resistance. PO Pugliese did not punch § 87(2)(b) in the face or any area of his body and did not observe any officer do so. PO Pugliese and the officers placed § 87(2)(b) against a patrol vehicle to handcuff him so he would not move, but did not slam him against the vehicle. PO Pugliese did not recall which part of § 87(2)(b) body made contact with the vehicle.

PO Pugliese did not tell § 87(2)(b) "You run from us, we'll kill you," and did not hear any officer make this statement. PO Pugliese did not recall using the word "fuck" during this incident and did not recall using profanity or hearing another officer do so.

§ 87(2)(b) did not complain of any injuries and PO Pugliese did not observe any on him. When shown § 87(2)(b) arrest photo, which shows § 87(2)(b) swollen eye and a bandage on his head, PO Pugliese stated that he did not see how those injuries were sustained. He did not see any officer make contact with § 87(2)(b) eye.

**Witness Officer: POLICE OFFICER ROBERT BIANCO**

- PO Bianco was § 87(2)(b) old at the time of the incident. He is a white man, 5'8" tall, 155 pounds, with brown hair and brown eyes.
- PO Bianco worked from 1 p.m. on February 5, 2014 until 11:40 a.m. the following day. He was assigned to a traffic post and worked with PO Pugliese. They were assigned to marked patrol van number 8459 and were in uniform.

**Memo Book (Encl. 11A-D)**

PO Bianco's memo book entries pertaining to this incident were consistent with his statement.

**Complaint and Arrest Report (Encl. 12A-C and 13A-C)**

The complaint report narrative notes that while § 87(2)(b) was riding in § 87(2)(b) unlicensed for hire vehicle, § 87(2)(b) failed to comply with officers and pull over his vehicle, resulting in a vehicle pursuit. § 87(2)(b) injured her lower back when she exited the moving vehicle by falling into a parked vehicle and hitting the ground. § 87(2)(b) was taken to § 87(2)(b)

§ 87(2)(b) was charged with § 87(2)(b)

**CCRB Testimony (Encl. 15A-D)**

PO Bianco was interviewed at the CCRB on October 2, 2014.

§ 87(2)(g)

PO Bianco and PO Pugliese exited the van and approached the driver's side of § 87(2)(b) vehicle with their guns drawn and pointed at the vehicle, but not directly at § 87(2)(b). PO Bianco was unsure where PO Roginski, who was also in the patrol van during the pursuit, was as he and PO Pugliese approached § 87(2)(b) vehicle. § 87(2)(b) began to move around towards the driver's side seat and PO Bianco suspected he was trying to hide something.

PO Bianco opened the driver's side door and told § 87(2)(b) to show his hands and exit the vehicle. § 87(2)(b) repeatedly said "no" and refused to exit the vehicle. PO Bianco reholstered his gun and grabbed § 87(2)(b) left arm. PO Bianco did not recall which part of § 87(2)(b) body PO Pugliese grabbed. PO Bianco did not strike § 87(2)(b) in the head with his gun or any object and did not observe PO Pugliese do so.

§ 87(2)(b) began to flail his arms and pushed the officers off of him. § 87(2)(b) also stiffened his body. In response to § 87(2)(b) resistance, PO Bianco held § 87(2)(b) arms and tried to place them behind his back. PO Pugliese punched § 87(2)(b) once in the chest with his fist, but PO Bianco did not observe PO Pugliese strike § 87(2)(b) in the head or face with his fist and did not do so himself. PO Bianco did not recall if PO Roginski assisted in handcuffing § 87(2)(b).

As a result of the momentum of the struggle, § 87(2)(b) PO Bianco and PO Pugliese ended up next to a patrol vehicle, approximately 15 feet away. § 87(2)(b) was never on the ground during the struggle and was not slammed into the patrol vehicle. PO Bianco did not tell § 87(2)(b) "You run from us, we'll kill you" and did not hear any officer make this statement. PO Bianco did not use the word "fuck" or any profanity during the incident and did not hear any officer do so. § 87(2)(b) was handcuffed by PO Bianco and PO Pugliese once he was against the patrol vehicle. Additional units responded to the scene after § 87(2)(b) was handcuffed and he was subsequently transported to the 67<sup>th</sup> Precinct Stationhouse.

At the 67<sup>th</sup> Precinct Stationhouse, PO Bianco noticed that § 87(2)(b) had swelling to his eye and a laceration to his head, but did not observe how these injuries were sustained. An ambulance arrived and § 87(2)(b) refused to go to the hospital.

**Witness Officer: POLICE OFFICER TOMASZ ROGINSKI**

- PO Roginski was § 87(2)(b) old at the time of the incident. He is a white man, 5'10" tall, 180 pounds, with black eyes.
- PO Roginski worked from 3 p.m. until 11:35 p.m. on February 5, 2014. He was assigned to a traffic post and worked with PO Pugliese and PO Bianco. They were assigned to marked patrol van number 8459 and were in uniform.

**Memo Book (Encl. 16A-D)**

At 6:41 p.m., an arrest was made for § 87(2)(b). Four passengers were inside the vehicle including § 87(2)(b) who was hurt and removed to § 87(2)(b).

**CCRB Testimony (Encl. 17A-D)**

PO Roginski was interviewed at the CCRB on October 29, 2014.

§ 87(2)(g)

After a pursuit of approximately 20 blocks, § 87(2)(b) stopped his vehicle. The patrol van never made contact with § 87(2)(b) vehicle. PO Pugliese, PO Bianco and PO Roginski approached § 87(2)(b) vehicle with their guns drawn. PO Roginski did not point his gun at § 87(2)(b) and did not observe PO Pugliese or PO Bianco do so. PO Pugliese and PO Bianco holstered their guns when they reached the vehicle and PO Roginski subsequently holstered his gun.

PO Roginski approached the rear passenger door on the right side of the vehicle. PO Pugliese approached the driver's side door with two officers from a sector car that had helped block § 87(2)(b) vehicle. PO Roginski did not know who these officers were but believed they were from his precinct. PO Pugliese and the two officers then began to physically remove § 87(2)(b) from the vehicle. PO Roginski was not sure if PO Bianco assisted in removing § 87(2)(b).

PO Roginski could not see where on § 87(2)(b) body he was being grabbed by the officers and could not see what he did in response to being grabbed. PO Roginski opened the rear passenger door on the right side so the other three passengers of the vehicle could exit. PO Roginski did not use any physical force against § 87(2)(b) see any officer use force or observe his arrest because he was focused on helping the passengers out of the vehicle.

PO Roginski did not use profanity or threaten § 87(2)(b) with force and did not hear another officer make the alleged statements.

### **Medical Records**

§ 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b). He was diagnosed as having been the victim of an assault and with a hyphema to his left eye. It was noted that he had bruises to the face and right eye and an abrasion to his scalp. § 87(2)(b) was prescribed ophthalmic solution for his eye and Fioricet tablets for his headache.

### **NYPD Documents**

#### **Event Report (Encl. 18A-H)**

According to the event report, at 5:35 p.m., there was a vehicle pursuit in regards to a male who tried to hit an officer with his vehicle. At 5:36 p.m., police were in pursuit of the vehicle for three miles and no members of the service were hurt. At 5:37 p.m., an ambulance was requested by Sector 67A for a female who fell and was hurt. At 5:38 p.m., the vehicle being pursued was stopped. At 5:47 p.m., an EMS unit was on the scene. The disposition of the event was a crime arrest at 10:23 p.m. The Event Unit lists a number of uniformed units that responded including Sector 67A, Sector 67I and a 67<sup>th</sup> precinct foot post.

#### **67<sup>th</sup> Precinct Command Log Entry (Encl. 19)**

§ 87(2)(b) arrest on February 5, 2014 was entered into the command log at 6:30 p.m. PO Bianco was assigned the arrest. It was noted that § 87(2)(b) had a laceration to the back of his head and a bruise above and on his left eye. At 6:45 p.m., an ambulance responded to the stationhouse.

#### **Arrest for Incident and Disposition (Encl. 23A-D)**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **Status of Civil Proceedings (Encl. 7F-H)**

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming personal injuries, mental distress, embarrassment, loss of liberty, loss of civil rights, property damage and loss of property and seeking five million dollars as redress.

#### **Civilian Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **Civilian CCRB History (Encl. 3)**

- This is the first CCRB complaint filed by § 87(2)(b)

#### **Subject Officer CCRB History (Encl. 2)**

- PO Pugliese has been a member of the service for two years and there are no substantiated CCRB allegations against him.

### Allegation Not Pleaded

- § 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### Conclusion

#### Identification of Subject Officers

- PO Pugliese and PO Bianco acknowledged interacting with § 87(2)(b) and PO Roginski acknowledged being present during the incident. However, none of the officers acknowledged striking § 87(2)(b) in the head with a gun, punching him in the face, threatening him with the use of force or speaking discourteously towards him. In addition, § 87(2)(b) description of the officer who struck him with the gun, that of an officer in plainclothes, does not match any of these officers, who were all uniform. § 87(2)(b) was unable to describe the officers who punched him, threatened him with the use of force or spoke discourteously towards him. A review of the event generated in regard to this incident did not identify any plainclothes units that responded to the scene. § 87(2)(g) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- PO Pugliese acknowledged striking § 87(2)(b) in the head once with his palm extended forward. § 87(2)(g) [REDACTED]
- § 87(2)(g) [REDACTED]  
[REDACTED]

### Investigative Findings and Recommendations

**Allegation A- Force: An officer struck § 87(2)(b) with a gun.**

**Allegation C- Force: Officers used physical force against § 87(2)(b)**

**Allegation E- Abuse of Authority: An officer threatened § 87(2)(b) with the use of force.**

**Allegation F- Discourtesy: Officers spoke discourteously to § 87(2)(b)**

§ 87(2)(b) alleged that before his vehicle was able to come to a complete stop, a plainclothes officer, described as a white or Hispanic man, approximately 5'5" or 5'6" tall, with a stocky build, short brown hair and wearing a beige sweater, opened § 87(2)(b) driver's side door and struck him in the back of the head with a gun. Multiple uniformed and plainclothes officers proceeded to punch § 87(2)(b) more than 10 times in the face, chest, back and the back of his head. § 87(2)(b) could not describe any of these officers. § 87(2)(b) arrest photo and PO Pugliese and PO Bianco's statements confirm that force was used.

After he was physically removed from his vehicle, § 87(2)(b) was slammed into a parked vehicle by an officer he could not see. § 87(2)(b) heard, but did not see, an officer say, "You run from us, we'll kill you." In addition, officers that § 87(2)(b) did not see used the word "fuck" towards him.

PO Pugliese, PO Bianco and PO Roginski all denied striking § 87(2)(b) in the head with their guns, punching him in the face or making any of the aforementioned statements. PO Pugliese and PO Roginski stated that a marked patrol vehicle with uniformed officers assisted in



blocking § 87(2)(b) vehicle off, but they did not recall who the officers were. PO Bianco stated that officers responded to the scene after § 87(2)(b) arrest, but did not recall who they were.

§ 87(2)(g)

**Allegation B- Force: PO William Pugliese used physical force against § 87(2)(b)**

It is undisputed that force was used against § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that after being struck in the head with a gun, officers proceeded to punch him more than 10 times in the face, chest, back and the back of his head. § 87(2)(b) attempted to block the officers' punches with his hands in an effort to protect himself but denied resisting arrest at any point during the incident.

PO Pugliese and PO Bianco maintain that § 87(2)(b) resisted arrest by shoving PO Pugliese away and pulling away from him. PO Pugliese acknowledged striking § 87(2)(b) once in the head with his palm extended forward as he attempted to remove § 87(2)(b) from his vehicle, but did not recall where on § 87(2)(b) head he struck him. PO Bianco observed PO Pugliese punch § 87(2)(b) once in the chest with his fist, but did not observe PO Pugliese strike § 87(2)(b) in the head or face. PO Roginski could not observe § 87(2)(b) arrest from where he was standing and did not observe PO Pugliese or any officers strike § 87(2)(b) in the head or face.

§ 87(2)(b) sustained a hyphema to his left eye, bruises to his face and right eye and an abrasion to his scalp. § 87(2)(b) arrest photo shows a large bandage on the rear left side of his head and his right eye was swollen shut.

§ 87(2)(g)

PO Pugliese and PO Bianco, both involved in § 87(2)(b) arrest, stated that he resisted arrest by shoving officers, flailing his arms and refusing to show his hands or exit the vehicle. § 87(2)(b) arrest report notes that he was charged with § 87(2)(b) and that force was used to restrain, control and remove.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation D- Force: Officers pointed their guns at § 87(2)(b)**

§ 87(2)(b) alleged that prior to being physically removed from his vehicle by officers, he saw that guns were pointed at his face and chest, but could not see the officers that were holding the guns as it was dark outside.

PO Pugliese, PO Bianco and PO Roginski all acknowledged drawing their guns once § 87(2)(b) vehicle was stopped. PO Pugliese and PO Bianco also acknowledged that they pointed their guns at § 87(2)(b) vehicle as they were in fear for their safety due to the vehicle pursuit they had engaged in and § 87(2)(b) refusal to show his hands. All three officers denied pointing their guns at § 87(2)(b)

An officer is permitted to draw and point their weapon at another person when that officer reasonably fears for their safety or the safety of another. NYPD v. Gliner, OATH Index #955/00 (encl. 1A-T).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date